

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NATIONAL ROOFING INDUSTRY)
PENSION PLAN, *et al.*,)
Plaintiffs,)
)
v.) 4:17-CV-1276-SPM
)
)
CMT ROOFING, LLC)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Motion for Leave to enter the consent judgment and provide proof of additional damages. (Doc. 33). Defendant has not responded to the motion.

In July 2018, at the request of the parties, this Court entered a Consent Judgment in this case. (Doc. 26). Later that month, the Court entered the parties' Stipulation of Dismissal, dismissing the case without prejudice and with the right to reopen and file a second Consent Judgment in the event the Defendant defaulted on its Settlement Agreement. (Doc. 32). In that second Consent Judgment, Plaintiffs and Defendant mutually requested that the Court enter judgment against Defendant in the amount of \$37,765.44, representing unpaid principal contributions and deductions, liquidated damages, interest, and attorney's fees and costs up to June 19, 2018. (Doc. 30). The second Consent Judgment also states that Plaintiffs shall be granted leave, as necessary, to provide additional proof of any of these elements of damages.

In the instant motion, Plaintiffs ask the Court to enter the second Consent Judgment in this case and also seek leave to provide proof of additional damages. In a memorandum attached to the

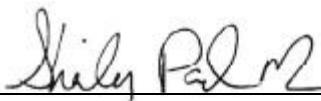
motion, Plaintiffs inform the Court that as of October 4, 2018, \$1,448.56 has been received in partial satisfaction of the judgment of \$37,765.44 previously entered against Defendant, such that the current amount owed on the Settlement Agreement is \$36,316.88. Plaintiffs also attach an affidavit from one of Plaintiff's attorneys stating that from the date of the Settlement Agreement to the present date, Plaintiff's attorneys billed \$2,225. Plaintiffs also submit a proposed order requesting both that the Court enter the second Consent Judgment (which is against Plaintiff in the amount of \$37,765.44) and that the Court enter judgment in Plaintiff's favor in the amount of \$38,541.88.

The Court finds it appropriate to have a brief telephone status conference with counsel for both parties to address several matters, including what specific judgment Plaintiffs want entered in this case, whether Defendant disputes the request for that judgment, and whether the requested judgment, if entered by the Court, is likely to permanently resolve the disputed issues between the parties.

For all of the above reasons,

IT IS HEREBY ORDERED that counsel for the parties shall appear by telephone for a status conference on **Tuesday, April 30, 2019, at 2:00 p.m.**, using the following conference call information:

USA Toll-Free Number: (888) 363-4735; Access Code: 3329658



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of April, 2019